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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,570	10/24/2003	Judith D. Auslander	F-756	9120
919	7590	12/21/2005	EXAMINER SHAH, MANISH S	
PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			ART UNIT 2853	PAPER NUMBER

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,570

Applicant(s)

AUSLANDER, JUDITH D.

Examiner

Manish S. Shah

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 10-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (# US 6176908) in view of Kawamura (# US 4553173).

Bauer et al. discloses a method for producing indicum on article including the steps of providing a supply of ink having red or magenta pigment, polymeric dispersant, a fluorescent dye (multi-signal transmission ink) (see Abstract) which is adapted to provide a different signal which is adapted to machine readable (column: 2, line: 25-46); and printing at least portion of the indicium on the article by drop on demand or continuous printing the multi-signal transmission ink, wherein portion is adapted to be visually observable in normal day light, and the portion is adapted to be read as a non-half tone signal by a machine even though the portion is half tone printed (column: 10, line: 54-67; column: 11, line: 1-26).

Bauer et al. discloses all the limitation of the method for printing indicium except that the printing at least a portion of the indicium on the article by half tone printing.

Kawamura teaches that to get the high resolution and high gradation printed image, print the portion of the image by halftone printing using laser beam printer or an inkjet printer (see Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method for printing indicium on article of Bauer et al. by the aforementioned teaching of Kawamura in order to have a high resolution and high gradation printed image.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (# US 6176908) in view of Kawamura (# US 4553173) as applied to claims 1-3, 5 & 9 above, and further in view of Lent et al. (# US 5837042).

Bauer et al. and Kawamura discloses all the limitation of the method of producing indicium on article except that the fluorescent ink includes a rare earth complex.

Lent et al. teaches that to get the invisible to the unaided eye marking on the print medium, fluorescent ink includes a rare earth metal (see Abstract; column: 4, line: 40-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method for printing indicium on article of Bauer et al. as modified by the aforementioned teaching of Lent et al. in order to have a invisible to unaided eye printed image.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al. (# US 6176908) in view of Kawamura (# US 4553173) as applied to claims 1-3, 5 & 9 above, and further in view of Connell et al. (# US 5554842).

Bauer et al. and Kawamura discloses all the limitation of the method of producing indicium on article except that the fluorescent ink includes phosphorescent ink.

Connell et al. teaches that to get the stable ink composition, the fluorescent ink includes a rare earth metal and phosphorescent compound (see Abstract; column: 7, line: 25-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method for printing indicium on article of Bauer et al. as modified by the aforementioned teaching of Lent et al. in order to have a invisible to unaided eye printed image.

Allowable Subject Matter

4. Claims 7 & 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:


(1) The steps of printing includes halftone printing with fill of less than 50%, more preferably about 15%.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Manish S. Shah
Primary Examiner
Art Unit 2853

MSS

12/13/05